

CC Docket No. 02-6
Request for Waiver
Application Form 471 # 209458
FRN : 490820
Billed Entity Number : 124492
FY 1999-2000
September 25, 2003

To whom it may concern:

I am writing on behalf of Onondaga- Cortland- Madison Board of Cooperative Educational Services (OCM BOCES) to file a request for a waiver from the FCC. I am requesting that OCM BOCES be given a waiver of the December 29, 2002, BEAR deadline filing date for FRN:490820.

I am requesting this waiver because of the confusion that was involved in the SPIN change process. On October 29, 2001, a SPIN Change Request was sent to the SLD requesting R.C Daniels Inc. as the new Service Provider filed by Lawrence Dismore of OCM BOCES. After much checking with the SLD, it was finally determined that the request had been lost in the system. Case # 170796 was opened.

On December 23, 2002, Kathleen Smith of OCM BOCES sent an e-mail to the SLD addressed to Deb Wilburn, Case # 170796, regarding conversation she had earlier that day with Deb. She sent copies of various SPIN changes that had not been processed. FRN 490820 was one of them. Kathleen Smith stressed great concern about missing the December 29, 2002 invoice deadline.

On December 27, 2002 , OCM BOCES received an e-mail from the SLD re: Case # 170796. At that time the SLD was able to confirm that the SPIN changes had been completed for some of the FRNs including FRN 490820 to R.C. Daniel Inc. This was the only notification that OCM BOCES received of the completion.

OCM BOCES immediately began the process of having Robert Reed, the President of R.C. Daniel sign and date (December 30, 2002) Block 4 of the BEAR form. At that time, OCM BOCES believed that it would have an extension because it did not receive notification that the SPIN change had been completed until 2 days prior to the Form 472 deadline. The usual SLD procedure calls for a minimum of 90 days to submit a BEAR request after the entity has been notified that the SPIN change has been completed.

As OCM BOCES has been told repeatedly by the SLD to NOT process any BEAR forms until after this SPIN change has been completed, it was believed that OCM BOCES was following proper SLD procedure by waiting to process the BEAR form until after notification of the SPIN Change had been received.

On September 24, 2003, OCM BOCES discovered that the reimbursement had been denied due to the deadline date having been missed. OCM BOCES immediately contacted the SLD re: Case # 170796. It was advised that since the BEAR was not dated within the allotted deadline time and because of the complications from the unusual extended delay in the SPIN Change Request, OCM BOCES's best course of action would be to file a Waiver request with the FCC.

Therefore, I am requesting that OCM BOCES be granted a waiver for the December 29, 2002, deadline because the SLD did not follow its own process. OCM BOCES was not given 90 days to process its Form 472 after it was notified that the SPIN Change requested had been confirmed. The process was further complicated by the abnormally lengthy time lag the SLD took to process a routine SPIN Change request. It is not normal operating procedure for the process to take fourteen months.

Without such a waiver, the combination of these two factors will result in the loss of legitimately awarded funding to a rural school district.

Please contact me if any further information is required at the address and phone number listed below.

Thank you for your consideration.

Yours truly,

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